

Congress of the United States

Washington, DC 20510

June 17, 2022

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004

Dear Administrator Regan,

We write to bring to your attention to concerns with the implementation of the Environmental Protection Agency's (EPA) new Clean School Bus Program (CSBP). This new program offers an unprecedented opportunity to begin transitioning our nation's school bus fleet to clean, low- and zero-emission vehicles, but it has come to our attention that the current design of the program may present challenges for Illinois schools. Some Chicago-area school districts, including Proviso, Rich Township, Lindop, Prairie- Hills, Waukegan, and others are interested in applying to this new program but may be locked out due to EPA-imposed scrappage requirements that run contrary to the intention of the law. We also are troubled by the exclusion of Chicago Public Schools (CPS) from the list of priority school districts.

Many schools contract out transportation services to third parties but now want to purchase their own new, clean, low- and zero-emission school buses. However, EPA has designed the CSBP to require school districts to provide a diesel bus for scrapping before they may access funds for a new bus. Many school districts do not own their own buses and contract out transportation services to third parties. These schools, regardless of their interest in the program or commitment to improving air quality for their students, are barred from funding to decarbonize their fleets.

We understand EPA adjusted its final guidance to allow districts in this situation to scrap a bus (or buses) located elsewhere that have been used for student transportation. We remain concerned that, even with this adjustment, EPA has created a barrier to the program that Congress did not intend. Districts will have to spend time seeking and potentially paying for a bus (or buses) to scrap when their time and resources would more productively be spent working with utilities to identify and plan for building up charging infrastructure. This is a barrier to applying and could arbitrarily drive up the value of diesel buses, further limiting access. It unnecessarily pits school districts against one another in a scramble for old buses and runs contrary to the spirit of the program, which seeks to promote equitable access and reduce harmful emissions for as many schools as possible. Denying these districts a chance to apply because they cannot locate a dirty bus (or buses) or do not have the capacity to conduct a search is both troubling and inconsistent with the law.

We urge EPA to issue amended guidance to remove this requirement or create exemptions to this requirement. At a minimum, we ask that EPA take the onus off of schools to locate old buses and instead facilitate the identification of these buses on behalf of applicants.

Districts transitioning their bus ownership model deserve the opportunity to secure clean electric school buses and enjoy the health benefits that the program intended.

Additionally, we are deeply concerned with EPA's decision to use Small Area Income and Poverty Estimates to determine districts that qualify for the program's priority list. The model chosen by EPA prevents entire districts that have thousands of predominantly Black and Brown students below the poverty line from receiving priority treatment. CPS serves more low-income students (many of whom live in areas suffering from poor air quality) than the entire student body in many districts included on the priority list. Relegating CPS to the non-priority pool disadvantages thousands of students who the law is specifically designed to assist. We strongly encourage EPA to allow large districts like CPS to apply for sub-districts and designated schools (e.g., transportation zones or attendance areas with more than 20% of students below the poverty rate) as if they are on the priority list. Ensuring these historically disenfranchised schools receive the full benefits of the CSBP should be among EPA's highest priorities.

We commend your work to establish this transformational program and look forward to working together to ensure all Illinois children, especially the most vulnerable and disenfranchised, have the chance to benefit from this important and transformational program.

Sincerely,



Richard J. Durbin
United States Senator



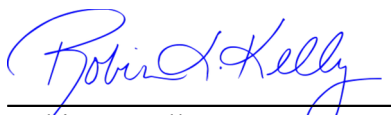
Jan Schakowsky
Member of Congress



Tammy Duckworth
United States Senator



Bobby L. Rush
Member of Congress



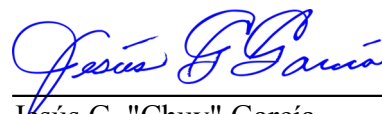
Robin L. Kelly
Member of Congress



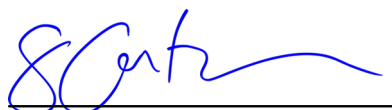
Raja Krishnamoorthi
Member of Congress



Mike Quigley
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Sean Casten
Member of Congress



Bradley Scott Schneider
Member of Congress



Marie Newman
Member of Congress



Lauren Underwood
Member of Congress



Danny K. Davis
Member of Congress



Bill Foster
Member of Congress